

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF NORTH CAROLINA

World Fibers, Inc.,)	
)	
Plaintiff;)	
)	
v.)	
)	Civil Action No. 1:14-cv-01055
Magid Glove and Safety Manufacturing)	
Company, L.L.C.)	
)	
Defendant.)	

COMPLAINT
(Jury Trial Demanded)

Comes now, Plaintiff World Fibers, Inc. and files this complaint against Defendant Magid Glove and Safety Manufacturing Company, L.L.C., alleging the following:

Jurisdiction and Venue

1. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. § 271.
2. This Court has jurisdiction of this action under the provisions of 28 U.S.C. §§ 1331 and 1338(a), in that the claims of the Complaint arise under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. § 271.

3. This Court also has jurisdiction of this action under the provisions of 28 U.S.C. § 1332(a) in that the matter in controversy exceeds the sum or value of \$75,000.00 exclusive of interests and costs, is between citizens of different states.
4. Plaintiff World Fibers, Inc. (hereinafter “Plaintiff”) is a corporation organized and existing under the laws of the State of North Carolina, and has a principal place of business at 338 Webb Road, Concord, North Carolina 28025.
5. Upon information and belief, Defendant Magid Glove and Safety Manufacturing Company, L.L.C. (hereinafter “Defendant”) is a limited liability company organized and existing under the laws of the State of Illinois, and has a principal place of business at 1300 Naperville Drive, Romeoville, Illinois 60446. Defendant may be served process by and through its registered agent, Sheldon Cohen, at 1300 Naperville Drive, Romeoville, Illinois 60446.
6. This Court has personal jurisdiction over Defendant Magid Glove and Safety Manufacturing Company, L.L.C. in this action pursuant to the North Carolina Long-Arm Statute §1-75.4. Defendant has conducted substantial business within the State of North Carolina, and have committed acts within the State of North Carolina that relate to and give rise to this action. Such acts include, *inter alia*, offering to sell and selling products infringing U.S. Patent No. 5,965,223 in the State of North Carolina.
7. This Court is a proper venue for the action pursuant to 28 U.S.C. §1391, because (1) the Defendant resides within this judicial district as it is subject to the Court’s

personal jurisdiction with respect to this action, and (2) a substantial part of the events or omissions giving rise to the claims of the complaint occurred within this judicial district.

8. Defendant has committed acts of infringement of Patent No. 5,965,223 in this district. Such acts include, *inter alia*, offering to sell and/or selling products infringing Patent No. 5,965,223 within this judicial district.
9. Plaintiff is the sole owner of all rights, title and interest in Patent No. 5,965,223, and has its principal place of business within this judicial district.

Claim for Patent Infringement

10. Plaintiff incorporates the allegations of the above paragraphs 1-9, as if fully set forth herein.
11. United States Patent No. 5,965,223 (hereinafter “the ‘223 patent”) was issued by the U.S. Patent and Trademark Office on October 12, 1999. The ‘223 patent is a utility patent titled “Layered Composite High Performance Fabric.” A copy of the ‘223 patent is attached to this complaint as Exhibit 1, and incorporated herein.
12. Plaintiff World Fibers, Inc. (hereinafter “Plaintiff”) develops, manufactures and sells innovative textile products. Plaintiff’s products include cut-resistant protective gloves, and yarns for making protective gloves. Plaintiff is the sole owner of all right, title and interest in the ‘223 patent, pursuant to an assignment executed on October 9, 1997 by inventors Mark A. Andrews and James B. Miles.

13. Defendant has infringed and continues to infringe the '223 patent by making, offering for sale, and selling products that embody the patented invention, and Defendant will continue to do so unless enjoined by this court.
14. Defendant is making, offering for sale and selling in the United States a line of protective gloves under the name "Magid D-ROC". The line includes, but is not limited to, a protective glove sold by Defendant under the name "Magid D-ROC GPD800." A page from Defendant's Internet website showing the glove being offered for sale is attached to this complaint as Exhibit 2, and is incorporated herein.
15. Defendant's "Magid D-ROC" protective gloves infringe at least claim 1 of the '233 patent.
16. Defendant has willfully infringed the '223 patent by making, offering for sale, and selling the "Magid D-ROC" gloves in the United States.

Prayer for Relief

WHEREFORE, Plaintiff respectfully asks the Court to grant the following relief:

- A. That the Court enter preliminary and permanent injunctions against Defendant, enjoining Defendant from infringing the '223 patent pursuant to 35 U.S.C. § 283.
- B. That Plaintiff be granted an accounting for damages resulting from Defendant's infringement of the '223 patent;

- C. That Plaintiff be awarded judgment against Defendant for damages resulting from Defendants' infringement of the '223 patent, and that such damages be trebled pursuant to 35 U.S.C. § 284, and that Plaintiff be awarded its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- D. That the Court award Plaintiff interest, costs, and such further relief that this Court deems just and equitable;
- E. That the Court order Defendant to pay Plaintiff all reasonable taxable costs in a sum and manner deemed appropriate by this Court based on the deliberate and willful infringement of the '223 patent by Defendant as set forth in this Complaint;
- F. That a trial by jury be had on all issues so triable; and
- G. Such other and further relief as the Court may deem just and proper, in law or equity.

Respectfully submitted, this the 15th day of December, 2014.

/s/ Stephen S. Ashley, Jr. _____
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